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September 8, 2006

Nicole Petrick, Planing & Zoning Coordinator
Marathon Government Center
2798 Overseas Highway, Suite 410
Marathon, Florida 33050

Re: Spencer/Tucker Appeal

Dear Ms. Petrick:

I am writing this letter to you as attorney for Appellant above in regard to the Appeal Hearing currently set for September 13, 2006 before the Planing and Zoning Commission. I have taken over representation for the Spencers from Lee Rohe,

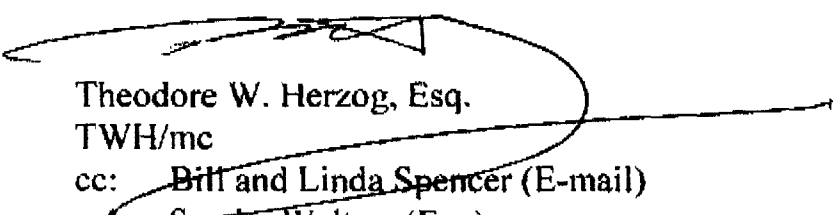
As I indicated to you by voicemail yesterday and in our telephone conversation this morning at about 9:30, I have discussed continuance of the Spencer/Tucker Appeal Hearing with Bob Shillinger of the County Attorney's office. Mr. Shillinger and Jerry Sanders are both, as I understand it, leaving for Tallahassee on Sunday, September 10, 2006 and will be there at least through September 13, 2006. I have a two day felony jury trial before Judge Jones here in Key West (State of Florida v. Robert Leplante/16th Judicial Circuit in and for Monroe County, Florida, Case No. CFK050000642A) with jury selection on Monday September 11, 2006. I have been advised by Joe Spataro of the State Attorney's office that the actual jury trial will take place on Wednesday and Thursday September 13 and 14, 2006.

Based upon the foregoing, we respectfully request that the September 13, 2006 Appeal Hearing be continued. Again, it is my understanding that Mr. Shillinger and Mr. Sanders are in agreement. I understand from your comment in our conversation, that first requests for continuance are granted as a matter of routine, but I assure that our request is for the foregoing reasons and not simply for unnecessary delay.

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We request that the hearing be reset for November 8, 2006 as Mrs. Spencer will be out of the country from October 2 - 23, 2006. Please confirm the new hearing date. If you have questions or comments, please advise. Thank you for your cooperation.

Respectfully,



Theodore W. Herzog, Esq.

TWH/mc

cc: Bill and Linda Spencer (E-mail)

Sandra Walters (Fax)

Jerry Sanders, Esq. (Fax)

Robert Shillinger, Esq. (Fax)